

IN RE: LUIS FRANCISCO GONZALEZ COLON
MARILYN RODRIGUEZ RIOS

Bankruptcy Number:14-08398-BKT
Chapter 13

STANDING CHAPTER 13 TRUSTEE §341 MEETING MINUTES AND REPORT ON CONFIRMATION

Petition Filing Date: **10/10/2014**

First Meeting Date: **11/13/2014 at 9:00AM**

Days From Petition Date: **34**

341 Meeting Date: **11/13/2014 at 9:00AM**

910 Days Before Petition: **04/13/2012**

Confirmation Hearing Date: **12/05/2014 at 2:30PM**

Chapter 13 Plan Date: **10/28/2014** ☐ Amended

Plan Base:**\$16,080.00** Plan Docket #**12**

This is Debtor(s) 2 Bankruptcy petition.

This is the 1 scheduled meeting.

Payment(s) ☐ Received or ☐ Evidence shown at meeting:

Total Paid In: **\$0.00**

Check/MO# _____

Date: _____ Amount: \$ _____

*APPEREANCES: ☐ Telephone ☐ Video Conference

Debtor: ☒ Present ☐ Absent ☒ ID & Soc. OK

Joint Debtor: ☒ Present ☐ Absent ☒ ID & Soc. OK

☒ Examined ☐ Not Examined under Oath

☒ Examined ☐ Not Examined under Oath

Attorney for Debtor(s): ☐ Not Present ☒ Present

Name of Attorney Present (Other than Attorney of Record): _____

☐ Pro-se

☒ Creditor(s) Present ☐ None

FirstBank -- Melchor

Julia A. Primero -- rep. by Guzman, Esq.

Maribel Laboy Padilla

AEELA -- Vidal

*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **JOSE A LEON LANDRAU***

Total Agreed: **\$3,000.00** Paid Pre-Petition: **\$0.00** Outstanding (Through the Plan): **\$3,000.00**

*TRUSTEE'S REPORT ON CONFIRMATION & STATUS OF §341 MEETING

Debtor(s) Income is (are) ☐ Under ☒ Above Median Income

Liquidation Value: \$ 0.00

Commitment Period is ☐ 36 months ☒ 60 months §1325(b)(1)(B)

Projected Disp. Inc.: \$ 0.00

The Trustee: ☐ NOT OBJECTS ☒ OBJECTS Plan Confirmation Gen. Uns. Approx. Dist.: ____ %

§341 Meeting ☐ CONTINUED ☐ NOT HELD ☐ CLOSED ☒ HELD OPEN FOR 14 DAYS

§341 Meeting Rescheduled for: _____

Comments:

*CREDITOR(S) ORAL OBJECTIONS [LBR 3015-2 (c)(4)]
-No objections

*TRUSTEE'S OBJECTIONS TO CONFIRMATION: NOTICE: LBR 3015-2(c)(6) The debtor must within seven (7) days after service of the objection file either: (A) an amended plan that addresses each objection; or (B) a reply setting forth the facts and legal arguments that give rise to the reply in sufficient detail to allow each objector, if possible, to reconsider and withdraw its objection.

[1325(a)(1)] Failure to comply with her/his/their duties.[11 U.S.C.704(a)(4) and 1302(b)(1)]

Joint Debtor must submit paystubs for April 2014.

[1325(a)(5)] Plan fails to comply with required treatment of allowed Secured Claims.

Debtor failed to provide insurance for La Familia Pawn and insurance quote.

[1325(a)(6)] Payment Default Feasibility – Debtor(s) is in default with proposed plan payments, to the trustee and/or creditor(s).

Debtors must submit evidence of making first payment to the Trustee in 10 days or dismissal will be requested. Debtor stated that he made first payment on 11/10/2014.

[1325(a)(6)] Feasibility – Debtor(s) does not has/have the capacity to make proposed plan payments.

Debtor stated that his monthly gross income from his counseling office is \$1,500.00. Debtor, however, listed this income as his net income is Schedule I and has failed to subtract his rent expense of \$400.00 and his electricity expense of \$412.00 and miscellaneous office materials. Debtor does not have enough disposable income to fund the plan. Debtor must submit evidence of income for October and November 2014 and evidence of the abovementioned expenses.

Per Schedule J, Debtors' disposable income is \$162.32 but plan payments are \$200.00. Debtors do not have enough disposable income to fund the plan.

[1325(a)(6)] Insufficiently Funded – Plan funding insufficient to pay 100% of [507] priority claims.
[1322(d)(1)]

Plan is insufficiently funded to pay priority claims.

[1325(a)(9)] Tax Requirements – Debtor(s) fails to comply with Tax Return filing requirement of [1308].

Debtors have failed to submit evidence of filing 1040PR for 2010 and 2013.

[1325(b)(1)(B)] Projected Disposable Income – Debtor(s) fails to apply projected disposable income, to be received during applicable commitment period, to make payments to unsecured creditors under the plan. [1322(a)(1)]

Debtor's gross income for the six months prior to filing bankruptcy is \$2,291.00, not \$1,500.00. Furthermore, household size is of five, not six. Debtors are above-median income Debtors with a 60 month commitment period.

***OTHER COMMENTS / OBJECTIONS**

Debtor must submit evidence of being current with DSO payments.

Debtor is operating corporation Intervenciones Creativas LLC as d/b/a.

Joint Debtor did not work in July and August.

NOTE: Pitsa Corp. has not operated since 2011. Debtor must submit last annual statement for said corporation.

NOTE: Debtors stated that Maribel Laboy, listed in Schedule F, actually is the creditor of Pitsa Corporation.

Edwin Paez has a judgment against Debtor of \$9,000.00. This must be amended in Schedule F.

NOTE: Debtor worked for the Department of Education until May 2014, and generated income from said Department until July 2014. He has been in his private office since June 2014.

/s/ Jose R. Carrion, Esq.

Meeting Date: Nov 13, 2014

Trustee

/s/ Alexandra Rodriguez, Esq.

Presiding Officer